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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/564,548  | 01/13/2006  | Willy Meier          | 09894.0010-00       | 3498             |
| 22852   | 7590        | 04/14/2008           |                     |                  |
| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER<br>LLP<br>901 NEW YORK AVENUE, NW<br>WASHINGTON, DC 20001-4413 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| GOODWIN, JEANNE M   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2833  |             |                      |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/564,548

**Applicant(s)**

MEIER ET AL.

**Examiner**

Jeanne-Marguerite Goodwin

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/13/06 (Preliminary Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 and 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/13/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by US 7,192,181 to Schmiedchen.

**Regarding claim 1:** Schmiedchen discloses a display device intended to be fitted to a watch movement (10) of the type having a final gear train intended to drive (Fig. 2), at least in a mediated way, means of displaying the time (Fig. 2) and an energy source/auxiliary barrel driving the final gear train (col. 3, lines 25-34), the display device comprising: a display disk (33) for an additional function, a display gearing of which one moving part carries the display disk (33), a second energy source/main barrel, connected mechanically to the display gearing, and operating means for the display gearing, designed so as to cause the gearing to be driven by the second energy source when the information for display has to be changed (col. 3, lines 8-67).

**Regarding claim 2:** Schmiedchen discloses the device as claimed in claim 1, wherein the second energy source/main barrel is mechanical and has a winding means (35-37).

**Regarding claim 3:** Schmiedchen discloses the device as claimed in claim 2, wherein the second energy source is a barrel (col. 8-67).

**Regarding claim 7:** Schmiedchen discloses the device as claimed in claim 3, further comprising a regulation system regulating the rotary movement of the display gearing, and a trigger mechanism operated, at least in a mediated way, by the final gear train, and causing the disk to be driven by the barrel, by means of the display gearing (col. 3, lines 8-67).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmiedchen in view of US 2005/0007888 to Jolidon.

**Regarding claim 4:** Schmiedchen discloses a device as stated above with regard to claims 1 and 3, respectively. Schmiedchen discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 4, i.e., chronograph gearing in which one moving part completes one revolution per minute, designed to carry means for displaying the seconds of the measured time and a clutch designed to connect the chronograph to said the gear train or disconnect it therefrom, and to cause the starting and stopping of the measurement of a period of time, and wherein the device has drive means controlled by the chronograph gearing and causing the display gearing to be driven by the

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barrel. Jolidon discloses a display device intended to be fitted to a watch movement of the type having a final gear train intended to drive at least in a mediated way, means of displaying the time and an energy source/first barrel driving the final gear train the display device comprising: a display disk for an additional function, a display gearing of which one moving part carries the display disk, a second energy source/main barrel, connected mechanically to the display gearing, and operating means for the display gearing, designed so as to cause the gearing to be driven by the second energy source when the information for display has to be changed (Abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the chronograph assembly, as taught by Jolidon, to the device of Schmiedchen, in order to incorporate the function of a stop watch.

**Regarding claim 6:** Schmiedchen discloses a device as stated above with regards to claims 1, 3 and 4, respectively. Schmiedchen discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 6, i.e., further comprising a plurality of display disks and a plurality of barrels, each barrel driving one disk. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See *St. Regis Paper Co. v Bemis Co.*, 193 USPQ 8.

***Allowable Subject Matter***

5. Claims 5 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US 7,029,169 to Takahashi et al. discloses a chronograph timepiece having zeroing structure; US 7,070,320 Schmiedchen at al. discloses a mechanism for triggering a striking work for a timepiece fitted with a timer; and US 4,363,553 to Thomi et al. discloses two barrels in a timepiece.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

/Jeanne-Marguerite Goodwin/  
Examiner, Art Unit 2833  
March 30, 2008

*/renee luebke/*  
Acting SPE  
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